

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

LYNDA RUSSO and KL ASSOCIATES)
LIMITED, LLC,)
)
 Plaintiffs,)
) No. 23 C 3507
 v.)
) Judge Valderrama
UNITED STATES SMALL BUSINESS)
ADMINISTRATION,)
)
 Defendant.)

**DEFENDANT'S AGREED MOTION FOR SECOND
EXTENSION OF TIME TO FILE RESPONSIVE PLEADING**

Defendant U.S. Small Business Administration, by its attorney, Morris Pasqual, Acting United States Attorney for the Northern District of Illinois, submits this agreed motion for a second 30-day extension of time to answer or otherwise respond to the complaint. In support of this motion, SBA states as follows:

1. This is a case under the Freedom of Information Act, 5 U.S.C. § 552, seeking documents relating to pandemic-related loan programs. The court previously granted SBA a 30-day extension of time to file a responsive pleading to allow SBA to assess a recent administrative decision resolving the FOIA appeal referenced in the complaint and the implications of that decision for plaintiffs' claims in this case. Dkt. 7, 8. SBA's current responsive pleading deadline is this Friday, September 8, 2023, and a joint initial status report is due September 15. Dkt. 8.

2. SBA's assessment is that the administrative decision relating to the FOIA appeal has resolved many of plaintiffs' claims in this case. Additionally, based on discussions between counsel, SBA has produced additional documents that may be responsive to plaintiffs' FOIA

requests in a good-faith effort to resolve this case. SBA has also issued an administrative response to a FOIA request referenced in the complaint that was not previously assigned a tracking number.

3. In light of these developments and the parties' progress to date, SBA requests a second 30-day extension of time, through and including October 10, 2023 (because Monday, October 9, is Columbus Day), to respond to the complaint. Plaintiffs agree to this motion and have indicated that, even if they were to proceed with this case, they would need to file a supplemental complaint under Fed. R. Civ. P. 15(d), given the recent administrative decisions and SBA's document production. The requested extension thus will allow the parties to focus on a potential resolution of this case, rather than filing and answering a supplemental complaint. An extension will also conserve the court's resources and therefore serve the interest of judicial economy.

WHEREFORE, SBA requests a second 30-day extension of time, through and including October 10, 2023, to file a responsive pleading.

Respectfully submitted,

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